

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

LYONS PARTNERSHIP, L.P. AND HIT
ENTERTAINMENT, INC.,

Plaintiffs,

v.

PARTY ART PRODUCTIONS INC.,
ROBERTA HERMAN, PHILIP HERMAN,
PARTY POOPERS, INC., MARLA MASE,
57TH STREET PARTY CORP. D/B/A SAVE
THE DATE, JENNIFER GILBERT, THE
MAGIC AGENCY INC., SHELLEY
CARROLL, ERIC SILVEY D/B/A ERIC
SILVEY ENTERTAINMENT,

Defendants.

SUMMONS IN A CIVIL ACTION

CASE NUMBER

07 CIV 7121

JUDGE STANTON

TO: (Name and address of Defendant)

Philip Herman
51 Brandt Road
Hillburn, NY 10931

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Toby M. J. Butterfield, Esq.
Matthew A. Kaplan, Esq.
COWAN, DeBAETS, ABRAHAMS & SHEPPARD LLP
41 Madison Avenue, 34th Floor
New York, New York 10010

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

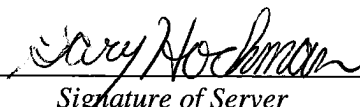
AUG 09 2007

CLERK

Marco Quintero

DATE

(By) DEPUTY CLERK

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾ <div style="text-align: center;">GARY HOCHMAN</div>	DATE <div style="text-align: center;">AUGUST, 20, 2007</div>	
NAME OF SERVER (PRINT) <div style="text-align: center;">Gary Hochman</div>	TITLE <div style="text-align: center;">PROCESS SERVER</div>	
Check one box below to indicate appropriate method of service		
<div style="display: flex; justify-content: space-between;"> <div style="width: 10%;"> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> </div> <div style="width: 90%;"> Served personally upon the defendant. Place where served: 51 BRANDT ROAD, HILLBURN, NY 10931 </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 10%;"> <input type="checkbox"/> </div> <div style="width: 90%;"> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 10%;"> <input checked="" type="checkbox"/> </div> <div style="width: 90%;"> Name of person with whom the summons and complaint were left: Returned unexecuted: </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 10%;"> <input type="checkbox"/> </div> <div style="width: 90%;"> PHILIP HERMAN Other (specify): </div> </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 40%;"> Executed on <u>AUGUST 20, 2007</u> Date </div> <div style="width: 60%;"> <div style="text-align: center;">  Signature of Server </div> <div style="text-align: center; margin-top: 20px;"> <u>PO Box 584, New City, N.Y. 10956</u> Address of Server </div> </div> </div>		

⁽¹⁾ As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.